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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,073	05/13/1999	MINORU USUI	448563/163	2072
26610	7590	04/11/2005	EXAMINER	
STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/312,073

Applicant(s)

USUI ET AL.

Examiner

Michael P. Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005 and 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23, 36-39, 42-65, 68-73, 83-90, 92, 93, 95-101, 103 and 106-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-23, 36-39, 42-65, 68-73, 83-90, 92, 93, 95-101, 103 and 106-133 is/are allowed.
- 6) ☒ Claim(s) 134 and 135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-14-05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed on February 22, 2005 has been acknowledged.

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2005 has been entered.

Claim Objections

2. Claims 134 is objected to because of the following informalities: after "comprising" (line 6) should replace ";" with -- : --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 134 and 135 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyazawa et al. (US 6,250,750).

Miyazawa et al. discloses an ink jet printer (Fig. 11), comprising:

- a carriage (101) having a plurality of projecting members (116, 117) and an ink supply needle (119) extending therefrom;
- a print head (118) mounted on said carriage and having a plurality of nozzles (nozzles of 118) through which ink is ejected;
- an ink cartridge (120) mounted on the carriage (Fig. 12's), said ink cartridge comprising;
 - a housing (1) having at least one wall (walls of 1),
 - an ink supply port (opening of 10) formed on the wall of said housing at an offset position (Fig. 1, 12's), the ink supply needle being inserted into the ink supply port (Fig. 12d), and
 - an engaging recess (15) formed in the wall of said housing adjacent to said ink supply port (Fig. 1), said engaging recess receiving the projecting members of the printer (Fig. 12d), wherein the engaging recess and the projecting members of the

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printer align the ink supply port with the ink supply needle prior to insertion of the ink needle into the ink supply port (Fig. 12's).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 135 is rejected under 35 U.S.C. 102(b) as being anticipated by Mochizuki et al. (US 5,666,146).

Mochizuki et al. discloses an ink cartridge (8) for an ink jet printer (Abstract, lines 1-2) including a carriage (9) having a plurality of projecting members (16, 17) and an ink supply needle (15) extending therefrom, the ink cartridge being mountable on the carriage (Fig. 4) and comprising:

- a housing (housing of 8) having at least one wall (Fig. 4),
- an ink supply port (2) formed on the wall of said housing at an offset position (offset position of 2 with respect to length of 8, Fig. 4), the ink supply needle being insertable into the ink supply port (Fig. 4), and an engaging recess (4g's) formed in the

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wall of said housing adjacent to said ink supply port (Fig. 4), said engaging recess receiving the projecting members of the printer (Fig. 4), wherein the engaging recess and the projecting members of the printer align the ink supply port with the ink supply needle prior to insertion of the ink needle into the ink supply port (Fig. 4).

Allowable Subject Matter

5. Claims 11-23, 36-39, 42-65, 68-73, 83-90, 92, 93, 95-101, 103, and 106-133 are allowed.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

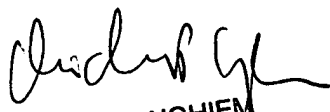
Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

April 7, 2005